

REMARKS/ARGUMENTS

In response to the Official Action mailed January 17, 2007, Applicant amends his application and requests reconsideration. In this Amendment claim 5 is cancelled and claims 7 and 8 are added so that claims 1-4 and 6-8 are now pending.

The invention concerns the use of a single "house card" in a hotel that includes a casino. This single house card is employed to obtain and pay for a full range of hotel services, including room service, restaurant service, in-room games and movies, and so forth. The same house card is also used to obtain the usual services in a casino, namely gambling, along with the ordering of food and drink and such other services as may be available. Further, in typical hotel and casino installations, theatrical and other kinds of performances are made available for a price and the house card can be used to purchase admissions to these events. The house card is used in conjunction with complementary readers and an interconnected group of servers that monitor and keep track of the services purchased as well as a running balance of the user. Accordingly, the user can be tracked or traced based upon usage of the card and the location at which the card is being used or has been used.

There are several important features of the invention that distinguish it from the prior art. The single house card issued according to the invention not only is used to obtain hotel services and casino services, that same house card functions as a room key to a guest room, providing a basis for requiring issuance of such a house card to every lodging user. See the patent application at page 15, lines 18-22. That passage and other similar passages in the patent application support amended claim 1.

Another important feature is a restriction on the use of the casino services, in using the house card, based upon a casino deposit that is continually monitored by one of the servers. As an example of such a restriction, when the deposit balance reaches zero, the user is prevented from obtaining additional casino services until the balance is restored to a positive amount. See, for example, original claim 5, amended claim 6,

and new claim 8, and the patent application at page 14, lines 19-22. Further, when use of the casino services results in an increase in the casino deposit amount above an upper limit, casino services might be withheld. See the patent application at page 14, lines 22-24. These passages support amended claim 3 and new claim 7.

In this Amendment, the examined claims that remain pending are also clarified.

The examined claims were rejected for double patenting as obvious over the claims of co-pending U.S. Patent Application 10/735,814, a simultaneously filed patent application, naming the same inventor and assigned to the same party. That patent application received a nearly simultaneous Official Action which is being responded to contemporaneously with this Response. Applicant disagrees that the two sets of claims are obvious in view of each other, especially at the present time when the claims are subject to modification and the rejection is only provisional. For that reason, while Applicant will consider the filing of a Terminal Disclaimer upon the identification of patentable subject matter, no Terminal Disclaimer is being filed at the present time.

Claims 1, 2, 4, and 6 were rejected as anticipated by Halbritter et al. (U.S. Patent 7,022,017, hereinafter Halbritter). This rejection is respectfully traversed as to the claims now pending. Claim 3 was rejected as unpatentable over Halbritter in view of certain riverboat gambling rules issued by the state of Missouri (hereinafter Missouri). Those gambling rules require the operators of riverboats on which gambling takes place to limit the maximum loss by any person to \$500. Both of these rejections are respectfully traversed as to all claims now pending.

With respect to amended claim 1, there is no disclosure, and not even the slightest suggestion, in Halbritter that the card issued could be the door key to a guest room. Therefore, amended claim 1, and its dependent claims, claims 2-4, 7, and 8, are patentable over Halbritter.

In rejecting claim 1, the Examiner stated, at page 4 of the Official Action, in lines 4-7, that Halbritter describes restricting use of casino services on the basis of usage restriction conditions placed on a casino deposit. The Examiner never cited any

specific passage within the text of Halbritter that supports this assertion but, instead, directed attention to Figures 2 and 4 of Halbritter “and the respective related description thereof”. In rejecting claim 5, at pages 4 and 5 of the Official Action, the Examiner again asserted that Halbritter’s system incorporates means for restricting use of casino services when it is detected that the balance of the casino deposit has reached zero. In this instance, the Examiner directed attention to column 10, lines 31-65 of Halbritter. In fact, a careful review of the description in Halbritter with respect to Figures 2 and 4 and the cited passage in column 10 shows that no such description is present. For these additional reasons, the rejection of examined claims 1, 2, and 4-6 was incorrect and remains incorrect with respect to amended claims 1-4 and 6 and new claims 7 and 8.

In view of the insertion into claim 6 of the limitation of claim 5 regarding the restriction imposed when a zero balance casino deposit is reached, Applicant respectfully requests the Examiner to point out in the passage in column 10 of Halbritter, or any other column of Halbritter, that supplies this limitation. All that can be found in Halbritter is that a deposit must be made in order to begin play. That description cannot anticipate any claim now pending.

Furthermore, there is disclosure within Halbritter that makes clear that a negative casino deposit is contemplated by that patent. In the passage at column 11 in lines 9-29 of Halbritter, collection of winnings is described. In at least two locations in that passage, reference is made to a “positive account balance” at the end of a casino session. Clearly, by implication, this passage suggests the possibility of a negative account balance. No other passages within Halbritter were located that discuss either positive or negative casino deposit balances and there is certainly no disclosure, much less a suggestion, that use of the card becomes restricted upon reaching zero, or even negative, casino deposit balance. Therefore, Halbritter cannot anticipate either claim 6 or claim 8.

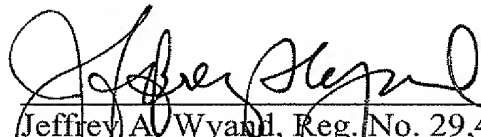
If the Examiner disagrees, Applicant again respectfully requests an identification of the passages within Halbritter or the express disclosure in Halbritter's figures, of description that meets the limitations of amended claim 6 and new claim 8.

Claim 3 was misinterpreted in the Official Action. The Examiner assumed, based upon the commentary in the Official Action at page 6, that claim 3 was directed to a loss limitation. In fact, claim 3 is directed to just the opposite situation. Claim 3 is intended to protect the casino in the event of a winning streak in which the amount of money accumulated in the casino deposit exceeds an upper limit. This function is made apparent not only in the original language of claim 3 but also in the patent application, for example, in the previously cited passages at page 14. There, juxtaposed, is the restriction on the use of the card when the casino deposit falls too low, and a correlative limitation restricting use when the balance rises too high. In view of the misunderstanding concerning the content of claim 3, Applicant respectfully requests withdrawal of the original rejection, reconsideration, and allowance of claim 3 and new claim 7.

Although Missouri was cited only with regard to the rejection of claim 3, application of that government regulation in rejecting amended claim 6 and new claim 8 would be erroneous. Assuming, for the sake of argument, that the \$500 limit of Missouri applied, the limitation of claims 6 and 8 regarding restricting use of the card when the casino deposit reaches zero would have no connection to Missouri. For example, if the casino deposit were \$700, the restriction imposed by Missouri would be reached when the deposit was \$200, not the amount specified in the amended independent claim 6 and new claim 8. Moreover, if the original casino deposit were \$300, and Missouri applied, then Missouri would only be applicable when the casino deposit reaches - \$200. Thus, there would still not be a disclosure of nor a suggestion for the invention as described by amended claim 6 and new claim 8 which restricts usage when the casino deposit reaches zero. These examples demonstrate that Missouri is not related to the subject matter claimed here and fails to establish obviousness as to any claim now pending.

Reconsideration and allowance of all pending are earnestly solicited.

Respectfully submitted,


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Date:

JAW:yes

